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6 Attorneys for Defendants
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
11

12 ELIZABETH WEISS,

13 Plaintiff,

14 vs.

15 STEPHEN PEREZ, in his official capacity as
President of San Jose State University; *et al.*,

16 Defendants.
17
18
19

Case No. 5:22-cv-00641-BLF

**STIPULATION TO EXTEND BRIEFING
SCHEDULE; DECLARATION OF
BRYAN H. HECKENLIVELY IN
SUPPORT OF STIPULATION;
[PROPOSED] ORDER
(LOCAL RULE 6-2)**

Judge: Hon. Beth Labson Freeman
Date: October 13, 2022
Time: 9:00 a.m.
Crtrm.: 3, 5th Floor

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES THAT:

1. Because Plaintiff's First Amended Complaint differs materially from her original complaint, and because the Court's first available hearing date for a motion to dismiss the First Amended Complaint is October 13, the parties have agreed to the following briefing schedule for Defendants' anticipated motion to dismiss to permit them additional time to brief the issues without delaying the Court's hearing or consideration of the motion:
 - a. Defendants may have until and including July 7, 2022, to file their motion to dismiss Plaintiff's First Amended Complaint.
 - b. Plaintiff may have until and including August 4, 2022, to file her opposition to Defendants' motion to dismiss her First Amended Complaint.
 - c. Defendants may have until and including August 18, 2022, to file their reply brief in support of their motion to dismiss Plaintiff's First Amended Complaint.
 - d. The motion will be heard on October 13, 2022, which date Defendants have already reserved, notwithstanding the fact that this schedule provides for the motion to be filed 22 days after the hearing date was reserved on June 15, 2022 (rather than within 14 days as provided in this Court's Standing Order re Civil Cases § III.A).
2. This is the first extension of time for these briefs. Defendants previously received a brief extension to file their motion to dismiss the original complaint and their opposition to the preliminary injunction motion, ECF No. 23, as well as to file their reply brief in support of their motion to dismiss. ECF No. 39. Plaintiff previously received a brief extension to file her reply brief in support of her motion for a preliminary injunction, and to file her opposition to Defendants' motion to dismiss. ECF No. 39.

1 DATED: June 17, 2022

MUNGER, TOLLES & OLSON LLP

2 By: /s/ Bryan H. Heckenlively

3 BRYAN H. HECKENLIVELY

Attorneys for Defendants

4 DATED: June 17, 2022

DANIEL M. ORTNER

5 ETHAN W. BLEVINS

Pacific Legal Foundation

6 By: /s/ Daniel M. Ortner

7 DANIEL M. ORTNER

8 Attorneys for Plaintiff

FILER'S ATTESTATION

I, Bryan H. Heckenlively, am the ECF user whose identification and password is being used to file this Stipulation and Proposed Order to Extend Time pursuant to Civil Local Rule 5-1(h). I hereby attest that the above-named signatories concur in and authorize this filing.

/s/ Bryan H. Heckenlively
BRYAN H. HECKENLIVELY, No. 279140

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8 **UNITED STATES DISTRICT COURT**
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12 ELIZABETH WEISS,

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14 vs.

15 STEPHEN PEREZ, in his official capacity as
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16 Defendants.
17

Case No. 5:22-cv-00641-BLF

**DECLARATION OF BRYAN H.
HECKENLIVELY IN SUPPORT OF
STIPULATION TO EXTEND BRIEFING
SCHEDULE**

Judge: Hon. Beth Labson Freeman
Date: October 13, 2022
Time: 9:00 a.m.
Crtrm.: 3, 5th Floor

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19 **DECLARATION OF BRYAN H. HECKENLIVELY**

20 I, Bryan H. Heckenlively, hereby declare:

21 1. I am admitted to practice before all of the courts of the State of California and this
22 Court. I am an attorney at the law firm of Munger, Tolles & Olson LLP and counsel of record for
23 Defendants in the above-captioned matter. I make this declaration in support of the stipulated
24 motion to extend briefing schedule,

25 2. The parties have jointly stipulated that:

26 a. Provided that the parties may retain their currently reserved hearing date for
27 Defendants' Motion to Dismiss the First Amended Complaint of October 13, 2022:
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1 i. Defendants may have until and including July 7, 2022, to file their
2 motion to dismiss Plaintiff's First Amended Complaint.

3 ii. Plaintiff may have until and including August 4, 2022, to file her
4 opposition to Defendants' motion to dismiss her First Amended Complaint.

5 iii. Defendants may have until and including August 18, 2022 to file
6 their reply brief in support of their motion to dismiss Plaintiff's First Amended Complaint.

7 3. Because Plaintiff's First Amended Complaint differs substantially from Plaintiff's
8 original complaint, the parties agree that additional time is warranted to properly brief the motion
9 to dismiss.

10 4. This is the first extension of time for these briefs. Defendants previously received a
11 brief extension to file their motion to dismiss the original complaint and their opposition to the
12 preliminary injunction motion, ECF No. 23, as well as to file their reply brief in support of their
13 motion to dismiss. ECF No. 39. Plaintiff previously received a brief extension to file her reply
14 brief in support of her motion for a preliminary injunction, and to file her opposition to
15 Defendants' motion to dismiss. ECF No. 39.

16 5. The requested time modification would have no effect on the schedule for the case,
17 because Defendants' motion to dismiss would still be heard on October 13, 2022, well after the
18 proposed briefing schedule has concluded.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct.

21 Executed on this 17th day of June, 2022, at San Francisco, California.

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23 /s/ Bryan H. Heckenlively
24 Bryan H. Heckenlively
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PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS ORDERED THAT:

- a. Defendants may have until and including July 7, 2022 to file their motion to dismiss Plaintiff's First Amended Complaint.
- b. Plaintiff may have until and including August 4, 2022 to file her opposition to Defendants' motion to dismiss her First Amended Complaint.
- c. Defendants may have until August 18, 2022 to file their reply brief in support of their motion to dismiss Plaintiff's First Amended Complaint.
- d. The motion will be heard on October 13, 2022 at 9:00 a.m. if filed on or before July 7, 2022.

Dated June ____, 2022

THE HON. BETH LABSON FREEMAN